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Employers Holdings Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAMARA SPEAKS,
Plaintiff,

vs.

EMPLOYERS HOLDINGS INC., DOES I
THROUGH X, INCLUSIVE, AND ROE,
Defendants.

Case No. 2:23-cv-00068-GMN-BNW

**DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO COMPLAINT
(FIRST REQUEST)**

Defendant Employers Holdings, Inc. ("Defendant" or "EHI"), by and through its counsel, the law firm of Jackson Lewis P.C., hereby brings the instant Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendant's response to the Complaint is currently due on January 19, 2023. Defendant seeks an extension up to and including to **February 10, 2023**. This is the first request by Defendant to extend time to file its response to the Complaint. This Motion is based on the following Memorandum of Points and Authorities, all pleadings and documents on file with the Court, and any oral argument that the Court deems proper.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

This case appears to be an employment discrimination case brought by Plaintiff Tamara Speaks against Employer Holdings, Inc., a Defendant that has never employed Ms. Speaks. Plaintiff

1 attempted to serve the Summons and Complaint on Defendant's counsel's office without
2 authorization.

3 On January 19, 2023, Defendant file a motion to extend time to respond to Plaintiff's
4 Complaint. ECF No. 4. This Court denied the motion without prejudice and ordered the parties to
5 meet and confer regarding the request. ECF No. 5. Defendant promptly contacted Plaintiff
6 regarding its request for an extension of time to respond to Plaintiff's Complaint. On January 23,
7 2023, Plaintiff stated she agreed to extend Defendant's responsive deadline to February 10, 2023.
8 **Exhibit 1.** Accordingly, Defendant now resubmits its request to extend its responsive deadline to
9 February 10, 2023.

10 **II. LEGAL ARGUMENT**

11 Fed. R. Civ. P. 6(b)(1) provides that when an act must be done within a specified time, the
12 Court "may, for good cause, extend the time . . . with or without motion or notice if the court acts,
13 or if a request is made, before the original time or its extension expires" [1] "Good cause" is
14 not a rigorous or high standard, and courts have construed the test broadly. *Ahanchion v. Kenan*
15 *Pictures*, 624 F.3d 1253 (9th Cir. 2010). Rule 6(b) "[is] to be liberally construed to effectuate the
16 general purpose of seeing that cases are tried on the merits." *Rodgers v. Watt*, 722 F.2d 456, 459
17 (9th Cir. 1983); *Wong v. Regents of the Univ. of Calif.*, 410 F.3d 1052, 1060 (9th Cir. 2005) ("Of
18 course, courts should not mindlessly enforce deadlines."). Indeed, the "good cause" standard
19 "primarily considers the diligence of the party seeking the amendment." *In re W. States Wholesale*
20 *Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013). In general, an application for extension
21 of time under Rule 6(b)(1)(A) will be granted in the absence of bad faith. *Ahanchion*, 624 F.3d at
22 1259 (quoting 4B CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND
23 PROCEDURE § 1165 (3d ed. 2004)) (internal quotations omitted).

24 Here, there is good cause to extend the time for Defendant to file its response to Plaintiff's
25 Complaint to February 10, 2023. Defendant's Counsel is investigating the allegations in Plaintiff's
26 Complaint and working to prepare Defendant's response. However, Counsel has been delayed in
27 doing so due to numerous depositions and settlement conferences in other matters. In addition,
28 Defendant's Counsel will be out of the office and travelling internationally from January 22, 2023

1 through January 29, 2023 and does not anticipate having consistent and reliable access to telephone
 2 and email. Defendant's Counsel will also need time to confer with Defendant regarding the
 3 response.

4 As such, Defendant requires time to have a fair and sufficient opportunity to investigate and
 5 evaluate these matters and prepare its response. Accordingly, Defendant expressly reserves the right
 6 to assert defenses, including without limitation, motions under Fed. R. Civ. P. 12(b), as no such
 7 motion is made here and therefore none are waived. *Szanto v. Marina Marketplace 1, LLC*, No.
 8 3:11-cv-00394-RCJ-VPC, 2013 U.S. Dist. LEXIS 168028, at *10 (D. Nev. Nov. 26, 2013).
 9 Defendant has acted diligently to retain defense counsel and begin preparing its defense. No prior
 10 extensions have been requested, and this request is not made in bad faith or to delay the proceedings.

11 Further, Plaintiff agreed to Defendant's request and thus will not be prejudiced by this
 12 extension.¹

13 **III. CONCLUSION**

14 For the foregoing reasons, Defendant respectfully requests the Court grant its Motion to
 15 Extend Time to Respond to Plaintiff's Complaint up to and including February 10, 2023.

16 Dated this 23rd day of January, 2023.

17 JACKSON LEWIS P.C.

18 /s/ Katlyn M. Brady

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*Attorneys for Defendant
 Employers Holdings, Inc.*

25 **ORDER**

26 IT IS SO ORDERED

27 DATED: 1:44 pm, January 24, 2023

28 

BRENDA WEKSLER
 UNITED STATES MAGISTRATE JUDGE

¹ Following Plaintiff's agreement, undersigned counsel provided Plaintiff a copy of a proposed stipulation extending the deadline to respond. As of this filing, Defendant has not received a response regarding the stipulation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 23rd day of January, 2023, I caused to be served via Electronic Mail and U.S. Mail, a true and correct copy of the above foregoing **DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT (FIRST REQUEST)** properly addressed to the following:

Tamara Speaks
P.O. Box 750151
Las Vegas, Nevada 89136
tamaraspeaks@ymail.com

Plaintiff in Proper Person

/s/ Wende Hughey
Employee of Jackson Lewis P.C.